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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,323	05/30/2001	Janardhana Swamy	843161-356	1200
32291	7590	11/30/2004	EXAMINER	
MARTINE & PENILLA, LLP 710 LAKEWAY DRIVE SUITE 170 SUNNYVALE, CA 94085			KOVALICK, VINCENT E	
			ART UNIT	PAPER NUMBER
			2673	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,323

Applicant(s)

SWAMY, JANARDHANA

Examiner

Vincent E Kovalick

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23,26-28,30-34 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23,26-28,30-34 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to Applicant's Response to Final Office Action dated September 27, 2004 in response to USPTO Final Office Action dated June 24, 2004.

The documentation submitted with said Applicant's Response, substantiating the priority data of October 18, 2000 as the disclosure date of the invention set forth in Applicant's Patent Application, Serial No. 09/871,323 with a File Date of May 30, 2001 and entitled "Method and Device for Self Powered Computer Input Device" is sufficient to negate the Nacson Prior Art (Pub No. US 2002/0118173) used in the said Final Rejection of said Patent Application. Consequently, the Final Rejection dated June 24, 2004 is herewith withdrawn and a new action is submitted herewith.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23, 26, 30 and 34 and 40 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Peng (USP 6,686,903).

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Relative to claims 30 and 40, Peng **teaches** a wireless mouse capable of generating and accumulating electrical energy; Peng further **teaches** a self-powered peripheral device, comprising: a ball; a wheel proximate said ball; a shaft coupled to said wheel; and a dynamo coupled to said shaft, said dynamo converting mechanical energy generated by rolling motion of said ball into electrical energy (col. 2, lines 14-61 and Abstract).

Regarding claim 23, Peng **teaches** said self powered peripheral device further comprising a rectified circuit for converting alternating current into direct current; a charging circuit coupled to said rectifier circuited; and an energy storing device coupled to said charging circuit, said energy storing device storing said direct current; wherein said electrical energy comprises said alternating current (col. 3, lines 10-16 and 30-56).

Relative to claims 26 and 34, Peng further **teaches** wherein said self-powered peripheral device is a computer mouse and wherein said mouse is a cordless mouse (col. 2, lines 14-24).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng as applied to claim 30 in item 3 hereinabove, and further in view of Nicoud et al. (USP 6,476,375).

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Regarding claims 27 and 31, Peng **does not teach** a mouse comprising a light source and wherein said wheel comprises a plurality of slots for allowing the light source to shine through said plurality of slots.

Peng teaches a self-powered cordless mouse.

Nicoud et al. **teaches** a mouse for use as a pointing device comprising an optical sensor (col. 1, lines 52-67 and col. 2, lines 1-63); Nicoud et al. further **teaches** a mouse comprising a light source and wherein said wheel comprises a plurality of slots for allowing the light source to shine through said plurality of slots (col. 1, lines 12-30).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Peng the feature as taught by Nicoud et al. in order to provide a pointing device of reduced size or a pointing device with the capacity to include additional features because to the room made available through the use of a technology that requires less space to accommodate the position tracking feature (col. 1, lines 44-49, Nicoud et al.).

6. Claims 28, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng in view of Nicoud et al. as applied to claims 27 and 31 respectively in item 5 hereinabove, and further in view of Lilja et al. (USP 5,764,224).

Relative to claims 28 and 32, Peng in view of Nicoud et al. **does not teach** the said self powered peripheral device wherein said light source is electrically powered by a dynamo.

Peng in view of Nicoud et al. teaches a self-powered cordless mouse comprising an optical sensor system for use as a computer pointing device.

Lilja et al. **teaches** a cordless mouse-stylus-pointer (col. 1, lines 54-67 and col. 2, lines 1-7);

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Lilja et al. further **teaches** the said self powered peripheral device wherein aid light source is electrically powered by a dynamo (col. 2, lines 52-53). It being understood that the power source as taught by Lilja et al. is by definition a dynamo.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Peng in view of Nicoud et al. the feature as taught by Lilja et al. in order to provide the electrical energy required to power the cordless mouse.

As to claim 33, Nicoud et al. further **teaches** a self powered peripheral device additionally comprising a light sensor and wherein said light sensor observes a pattern of light shining through said plurality of slots from said light source to generate a plurality of computer input signals for a host computer (col. 3, lines 62-67 and col. 4, lines 1-4).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No.	6,400,356	Bidiville et al.
U. S. Patent No.	5,838,138	Henty
U. S. Patent No.	4,951,034	Mazzone et al.

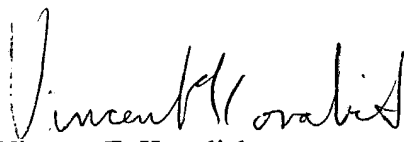
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Responses

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent E Kovalick whose telephone number is 703 306-3020. The examiner can normally be reached on Monday-Thursday 7:30- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703 305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vincent E. Kovalick
November 19, 2004


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